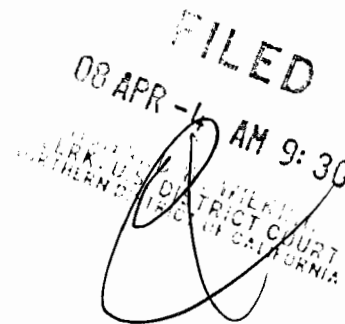


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Attorney for Plaintiff



**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

E. K. Wade

Plaintiff,

vs.

Elaine Chao, Secretary of Labor,

Defendants.

Case No.: C 08-0021 JSW

Request for Entry of Default

DEMAND FOR JURY TRIAL

TO HONORABLE JEFFREY S. WHITE:

Plaintiff declares that Defendant Elaine Chao was served with a Verified Complaint on **January 3, 2008**; and a subsequent Amended Verified Complaint (C 08-0001 JSW). Subsequently, this Court granted Defendant's motion to consolidate both cases; and further allowed Defendant to file its answer to Plaintiff's claims on or about **March 20, 2008**. On or about **March 20, 2008**, Defendant answered by motioning to dismiss claims 7 and 8 of Plaintiff's new case (C 08-0021 JSW), but failed to answer with respects to claims 1 through 6, with no explanation whatsoever.

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1 Defendant has not filed a written response to this complaint within the appropriate
2 amount of time, pursuant to **Rule 15(a) of the Federal Rules of Civil Procedure**. The
3 Federal Rules of Civil Procedure require defendants to answer a complaint within
4 twenty (20) days from the date being served with the summons and complaint, or if
5 service of the summons was timely waived, within sixty (60) days after the date when
6 the request for waiver was sent. Fed.R.Civ.P. 12(a) If a defendant fails to respond
7 within that time, a default judgment may be entered. Benny v. Pipes, 799 F.2d 489, 492
8 (9th Cir. 1986) 484 U.S. 870. Here, Plaintiff argues that Defendant Elaine Chao failed to
9 respond to the summons and complaint in a timely fashion and he humbly submits this
10 Request for Entry of Default.
11

12 Respectfully submitted.
13

14 Dated this 4th day of April 2008

15 
16

17 E. K. Wade (Pro Se)
18 Attorney for Plaintiff

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ADRMOP, CONSOL, E-Filing, ProSe

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:08-cv-00021-JSW
Internal Use Only**

Wade v. Chao
Assigned to: Hon. Jeffrey S. White
Lead case: 3:08-cv-00001-JSW
Member case:
3:08-cv-00021-JSW

Date Filed: 01/04/2008
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government
Defendant

Cause: 42:1983 Civil Rights (Employment Discrimination)

Plaintiff**E. K. Wade**

represented by **E. K. Wade**
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925 323-1578
PRO SE

V.

Defendant**Secretary of Labor Elaine Chao**

represented by **Melissa K. Brown**
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Fax: 415-436-6927
Email: melissa.k.brown@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/03/2008	1	COMPLAINT /issued summons against Elaine Chao (Filing fee \$ 350, receipt number 34611014090.). Filed by E. K. Wade. (ga, COURT STAFF) (Filed on 1/3/2008) (Entered: 01/04/2008)
01/03/2008	2	CONSENT to Proceed Before a US Magistrate Judge by E. K. Wade.. (ga, COURT STAFF) (Filed on 1/3/2008) (ga, COURT STAFF). (Entered: 01/04/2008)

01/03/2008	<u>3</u>	ADR SCHEDULING ORDER: Case Management Conference set for 4/10/2008 10:00 AM. Case Management Statement due by 4/3/2008.. Signed by Judge Maria-Elena James on 1/3/08. (Attachments: # <u>1</u> Judge Standing Order, # <u>2</u> Court Standing Order, # <u>3</u> Consent/Decline Form) (ga, COURT STAFF) (Filed on 1/3/2008) (Entered: 01/04/2008)
01/03/2008		CASE DESIGNATED for Electronic Filing. (ga, COURT STAFF) (Filed on 1/3/2008) (Entered: 01/04/2008)
01/04/2008	<u>4</u>	CERTIFICATE OF SERVICE by E. K. Wade re <u>1</u> Complaint, <u>3</u> ADR Scheduling Order, (ga, COURT STAFF) (Filed on 1/4/2008) (Entered: 01/09/2008)
01/14/2008	<u>5</u>	NOTICE OF UNAVAILABILITY by E. K. Wade (ga, COURT STAFF) (Filed on 1/14/2008) (Entered: 01/17/2008)
01/17/2008	<u>6</u>	AMENDED NOTICE OF UNAVAILABILITY by E. K. Wade (ga, COURT STAFF) (Filed on 1/17/2008) (Entered: 01/17/2008)
02/04/2008	<u>7</u>	MOTION to Consolidate Cases and <i>[Proposed]</i> Order filed by Elaine Chao. (Brown, Melissa) (Filed on 2/4/2008) (Entered: 02/04/2008)
02/04/2008	<u>10</u>	Declination to Proceed Before a U.S. Magistrate Judge ; Demand for Jury Trial by E. K. Wade. (mcl, COURT STAFF) (Filed on 2/4/2008) (Entered: 02/08/2008)
02/04/2008	<u>11</u>	MOTION for Summary Judgment, or in the alternative, Summary Adjudication of Issues filed by E. K. Wade. (mcl, COURT STAFF) (Filed on 2/4/2008) (Entered: 02/08/2008)
02/04/2008	<u>12</u>	Declaration of E.K. Wade in Support of <u>11</u> MOTION for Summary Judgment filed by E. K. Wade. (Related document(s) <u>11</u>) (mcl, COURT STAFF) (Filed on 2/4/2008) (Entered: 02/08/2008)
02/04/2008	<u>13</u>	UNDISPUTED FACTS and Supporting Evidence re <u>11</u> MOTION for Summary Judgment filed by E. K. Wade. (Related document(s) <u>11</u>) (mcl, COURT STAFF) (Filed on 2/4/2008) (Entered: 02/08/2008)
02/04/2008	<u>14</u>	Proposed Order re <u>11</u> MOTION for Summary Judgment by E. K. Wade. (mcl, COURT STAFF) (Filed on 2/4/2008) (Entered: 02/08/2008)
02/05/2008	<u>8</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (bjt, COURT STAFF) (Filed on 2/5/2008) (Entered: 02/05/2008)
02/05/2008	<u>18</u>	CERTIFICATE OF SERVICE by E. K. Wade re <u>11</u> MOTION for Summary Judgment, <u>13</u> Exhibits, <u>14</u> Proposed Order, <u>10</u> Declination to Proceed Before a U.S. Magistrate Judge, <u>12</u> Declaration in Support (mcl, COURT STAFF) (Filed on 2/5/2008) (Entered: 02/11/2008)
02/06/2008	<u>9</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. Charles R. Breyer for all further proceedings. Magistrate Judge Maria-Elena James no longer assigned to the case. Signed by Executive Committee on 2/6/08. (ha, COURT STAFF) (Filed on 2/6/2008) (Entered: 02/06/2008)
02/06/2008	<u>20</u>	Amended MEMORANDUM OF POINTS AND AUTHORITIES in